

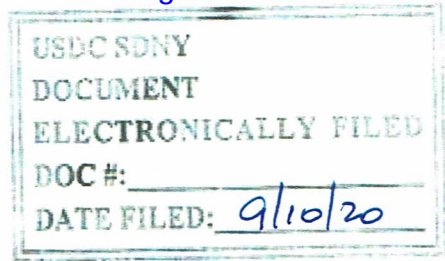
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

WILLIE SIMS,

Defendant.



No. 19 Cr. 857-01 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

The Defendant, Willie Sims (“Defendant”), is charged in a Felony Indictment with one count of narcotics conspiracy in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A) and three counts of possession with intent to distribute a controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)). (ECF No. 24.). By letter dated September 4, 2020, counsel for Defendant requested that the Court schedule a change of plea proceeding to allow Defendant to plead guilty pursuant to a plea agreement with the government. (ECF No. 122.) Counsel represented that Defendant will consent to allow the plea proceeding to take place by video or telephone conference. (*Id.*) Counsel further requested that the Court find this plea cannot be further delayed without serious harm to the interests of justice, based on (i) the current pandemic and health risk posed to Defendant by attending a plea proceeding in person; (ii) the lengthy period of time (nearly one year) that Defendant has been in pretrial detention; and (iii) the need for finality in this case, particularly as Defendant has an unresolved state case. (*Id.*)

Pursuant to Section 15002(b)(2)(A) of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), video conferencing and telephone conferencing may be used in enumerated criminal proceedings, in certain circumstances during the national emergency related to COVID-19 and 30 days thereafter, subject to certain requirements. Pursuant to the CARES Act, on March 30, 2020, the Chief

Judge of the United States District Court for the Southern District of New York issued Standing Order M10-468. In relevant part, Standing Order M10-468, as amended on June 24, 2020, specifically finds that felony pleas under Rule 11 of the Federal Rules of Criminal Procedure cannot be conducted in person without seriously jeopardizing public health and safety, and thus video conferencing, or telephone conferencing if video conferencing is not reasonably available, may be used in such proceedings with the consent of the defendant, after consultation with counsel and upon a finding by the presiding judge that the proceeding cannot be further delayed without serious harm to the interests of justice.

In light of the ongoing national emergency arising from the COVID-19 Pandemic, its continuing material impact on the functioning of the federal courts, the increasing necessity for judges in this District to conduct criminal proceedings remotely in order to comply with social distancing protocol, and the parties' desire to reach a disposition as expeditiously as possible, the Court finds that a plea hearing in this matter cannot be further delayed without serious harm to the interests of justice.

Accordingly, it is hereby ORDERED that the change of plea hearing for Defendant Willie Sims be conducted by video teleconference or by telephone conference (if video conference is unavailable) before this Court or a Magistrate Judge at a date and time mutually convenient to the Court and all parties concerned. The Clerk of the Court is respectfully directed to terminate the motion at ECF No. 122.

Dated: September 10, 2020
White Plains, New York

SO ORDERED:

A handwritten signature in blue ink, appearing to read 'Nelson S. Román', is written over a horizontal line.

NELSON S. ROMÁN
United States District Judge